

APPEAL NO. 021207
FILED JUNE 21, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 19, 2002. In Docket No. 1, the hearing officer decided that the respondent's (claimant) compensable right shoulder injury of (date 2)_____, (covered by respondent/carrier 1) does not extend to nor include any injury to the cervical region of her spine. This determination is unappealed and has become final pursuant to Section 410.169. In Docket No. 2, the hearing officer decided that the claimant did not sustain a compensable injury to the cervical region of her spine, nor any other type of injury, on (date 1)_____; that because the claimant did not sustain any injury at all on (date 1)_____, she did not have disability as a result; and that because the claimant did not sustain any injury at all on (date 1)_____, she did not report any injury having occurred on (date 1)_____, within 30 days of that date. The good cause for her failure to report an injury having occurred on (date 1)_____, was that there was no injury that occurred on (date 1)_____. The appellant (Carrier 2) appealed. The claimant responded urging affirmance, and the file does not contain a response from Carrier 1. In Docket No. 3, the hearing officer decided that on (date 3)_____, while performing her work for the employer, the claimant sustained a compensable injury to the cervical region of her spine and that she had resulting disability beginning on September 6, 2001, and continuing through the date of the hearing. Carrier 2 appealed. The claimant responded urging affirmance, and the file does not contain a response from Carrier 1.

DECISION

Affirmed.

The primary dispute in this case is the date the claimant sustained her cervical spine injury. Carrier 1's position is that the injury occurred on (date 1)_____, and that the claimant failed to timely notify her employer. The claimant's position is that the injury occurred on (date 3)_____. The disputed issues presented questions of fact for the hearing officer to resolve. Conflicting evidence was presented on the issues of date of injury and disability. We find the hearing officer's decision and order to be supported by sufficient evidence and not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of insurance carrier 1 is **FIRE & CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
800 BRAZOS STREET
AUSTIN, TEXAS 78701.**

The true corporate name of insurance carrier 2 is **NORTH AMERICAN SPECIALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge